



**FOR IMMEDIATE RELEASE**  
April 1, 2014

**CONTACTS: Chris Young (DNR)**  
(217) 557-1240  
**Natalie Bauer (AG)**  
(312) 814-4947

## **Illinois Attorney General and Illinois Department of Natural Resources Announce Coal Mine Permitting Process Reforms**

### ***Reforms to improve transparency of regulation stem from Banner Mine case settlement***

SPRINGFIELD, IL – Illinois Attorney General Lisa Madigan and Illinois Department of Natural Resources (DNR) Director Marc Miller today announced major reforms to improve transparency and strengthen regulations in the department's Office of Mines and Minerals.

The reforms are the result of a legal settlement regarding a surface coal mining and reclamation permit in Banner Township, Fulton County, Illinois, that was ultimately denied by DNR. The mining operator sought to mine near the Village of Banner in Central Illinois' Fulton County and would have operated within the Illinois River floodplain. Local residents raised significant concerns about the mining operation's impact on surrounding natural areas inhabited by endangered or threatened species, the impact on water quality and supply, and residential safety.

Attorney General Madigan challenged DNR's initial approval of the permit in 2007. The related reforms are part of a settlement that officially ends legal actions brought by the Attorney General.

"These measures reflect years of effort to instill a more transparent process that is responsive to community concerns," Madigan said. "By agreeing to implement these changes, DNR is committing to ensure that anyone who has a stake in mining operations will be heard before a permit application is decided upon."

"The reforms being announced today are major steps to improve transparency for our permitting decisions and provide stronger environmental protections within our regulatory programs," said DNR Director Marc Miller. "DNR will continue to enforce mining laws and regulations for which we are responsible, including those that promote workplace safety, and seek public involvement to ensure we are doing our jobs well."

As a result of the settlement, DNR will take steps to improve transparency and public participation in the coal permitting process.

These reform initiatives and proposed amendments to DNR's administrative rules include:

- Providing earlier public notification: DNR will require public notification when the mining permit applications are first received by DNR, which will provide notice to interested persons and stakeholders of pending applications well in advance of any public hearing.
- Requiring more formal environmental reviews earlier in the permitting process: DNR will conduct a full consultation with its Division of Ecosystems and Environment to determine the potential impacts to natural areas and endangered species from the mining proposal. This consultation will be initiated earlier in the application

process and will be completed before a mining permit application can proceed. Additionally, DNR will post the results of the environmental review for the public in advance of a requested hearing on the permit application.

- **Banning pre-hearing conferences:** DNR will no longer request pre-hearing conferences, a procedural step that has typically created significant delays in the public hearing process. DNR will schedule hearings to review a final permit action in a timely fashion.
- **Requiring mining permit applicants to participate at hearings:** DNR will require that the permit applicants appear at public hearings, and be prepared to answer questions from interested members of the public about the pending application, the proposed mining operation and its impacts, increasing transparency and accountability.
- **Requiring that DNR remain neutral during hearings:** As part of these reforms, DNR's role in the hearings to review mining permit decisions will be focused on providing testimony or evidence to develop a clear and complete record. DNR will remain neutral and avoid taking an adversarial position or seeking a case dismissal on technical grounds.
- **Posting all permit materials on the DNR website:** DNR will make application materials and hearing transcripts available for free on its website to increase access to information about the mining permit application and the review process and to allow the public more opportunities to provide meaningful comment.
- **Requiring prompt payment of permit fees:** DNR will require permit fees to be paid at the time a permit application is submitted as required by law, rather than when the application is approved. This will fulfill the goal of the law and create more stable funding for DNR permit review procedures.
- **Ensuring accountability:** The DNR Director will make the ultimate permit decision.

These reforms continue the effort to rebuild and renew DNR that the administration of Gov. Pat Quinn began with the appointment of Director Miller in 2009.

Follow the IDNR on [Facebook](#) and [Twitter](#)